

Manufacturer of Adult Video Game Sues County in New York

By DON GENTILE
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NEW YORK — The manufacturer of an adult-home video game that features rape as part of the on-screen shenanigans has filed an \$11 million federal lawsuit against Suffolk County, N.Y., and one of its legislators for attempting to ban the sale of the game.

The suit was filed Tuesday in Brooklyn federal court by American Multiple

Industries, of Northridge, Calif., maker of a video game entitled "Custer's Revenge." In the game, a man clad only in cowboy hat and boots must overcome a series of obstacles in the desert in order to win the right to ravish an Indian maiden.

The company charges that two resolutions passed last month by the Suffolk County Legislature seeking to ban such games violates the company's First Amendment rights.

American Multiple's attorney, John Weston, said, "The physical characteristics of this game are not unlike those of other game cartridges. The only difference is what's on the screen. The Suffolk County Legislature objects to the so-called message of the game. Once you say that, the First Amendment not only enters the picture but governs it."

Suffolk County Legislator Phil Nolan, the Democratic lawmaker who proposed the resolutions and who is being sued for

\$10 million, denied that the First Amendment is an issue.

"We are only dealing with games which add social acceptability to criminal acts. We stayed away from moralizing," he said.

The resolutions call for the Suffolk County Department of Consumer Affairs to set up guidelines for the sale of such games and for the county attorney to take legal action to halt the sale of games which constitute an "imminent

danger to health and safety . . . by promoting commission of criminal acts."

Stuart Keston, president of American Multiple, said Suffolk County passed the resolution "before we starting shipping the product . . . without the benefit of seeing the game. The games are used in the privacy of your own home. They are not arcade games."

Keston said "Custer's Revenge" is already being sold in a few New York stores.